

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HICA EDUCATION LOAN
CORPORATION,

Plaintiff,

v.

FRANK J. BROWN,

Defendant.

CIVIL NO. 11-6782 (NLH) (AMD)

ORDER

APPEARANCES:

MICHAEL JUSTIN MCCULLEY
WELTMAN, WEINBERG & REIS CO., LPA
325 CHESTNUT ST
SUITE 501
PHILADELPHIA, PA 19106

On behalf of plaintiff

HILLMAN, District Judge

This matter having come before the Court on Plaintiff's motion for the entry of default judgment pursuant to Federal Civil Procedure Rule 55; and

Rule 55 providing that obtaining a default judgment is a two-step process--first, when a defendant has failed to plead or otherwise respond, a plaintiff may request the entry of default by the Clerk of the Court, Fed. R. Civ. P. 55(a), and second, after the Clerk has entered the party's default, a plaintiff may then obtain a judgment by default by either (1) asking the Clerk

to enter judgment, if the judgment is a sum certain, or (2) applying to the Court, Fed. R. Civ. P. 55(b); and

Plaintiff having requested the entry of default by the Clerk, and the Clerk having entered default on January 9, 2012; and

Plaintiff now applying to the Court for default judgment pursuant to Rule 55(b)(2); but

The Court also noting that Plaintiff is seeking a sum certain;¹

Accordingly,

IT IS HEREBY on this 2nd day of May, 2012

ORDERED the Clerk of the Court is directed to enter the judgment of default, pursuant to Fed. R. Civ. P. 55(b)(1), in the amount of \$7,265.95, plus prejudgment interest from January 10, 2012, to the date of this Order at the rate of \$.69 per day; and it is further

ORDERED that plaintiff's motion for default judgment [6] is **DENIED AS MOOT.**

s/ Noel L. Hillman

At Camden, New Jersey

NOEL L. HILLMAN, U.S.D.J

¹In its motion, plaintiff states that pursuant to Local Civil Rule 55.1(b), the Clerk of the Court may not enter a default judgment against a defendant. (See Br. at 3.) No such local rule exists in this District.